

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Lisa A. Pellegrino Frank J. Pellegrino		CHAPTER 13
	Debtor(s)	
ABS REO Trust V		
	Movant	
vs.		NO. 19-15611 ELF
Lisa A. Pellegrino Frank J. Pellegrino		
	Debtor(s)	
William C. Miller Esq.		11 U.S.C. Section 362
	Trustee	

**MOTION OF ABS REO Trust V**  
**FOR RELIEF FROM THE AUTOMATIC STAY**  
**UNDER SECTION 362**

1. Movant is ABS REO Trust V.
2. Debtor(s) is/are the owner(s) of the premises 406 Stratford Road, Glenolden, PA 19036, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$67,300.00 on the mortgaged premises that was executed on December 27, 2007 by Frank J. Pellegrino and Lisa Ann Roesch-Pellegrino as co-mortgagors. Said mortgage was recorded on January 10, 2008 at Instrument No. 2008002526. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 13, 2019, at Instrument No. 2019006719 in Delaware County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. Select Portfolio Servicing, Inc. services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of ABS REO Trust V. Said entity has the right to foreclose by virtue of being the owner and holder of the note. The promissory note is either made payable to said entity or has been duly endorsed.
5. William C. Miller Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

7. Debtor(s) have failed to make the monthly post-petition mortgage payments in the amount of \$573.44 for the months of October 2019 through December 2019.

8. As of December 11, 2019 the total amount necessary to reinstate the loan post-petition is \$1,720.32.

9. As of December 11, 2019 the total unpaid principal balance due is \$46,501.29.

10. Movant is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. § 362(d).

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

**/s/Rebecca A. Solarz, Esquire**

Rebecca A. Solarz, Esquire

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106-1532

Phone: (215) 627-1322 Fax: (215) 627-7734

Attorneys for Movant/Applicant